

A bill for an act
relating to public safety; authorizing wireless telecommunications service
providers to provide call locations for emergencies; providing for the Kelsey
Smith Act; amending Minnesota Statutes 2008, section 626A.01, by adding a
subdivision; proposing coding for new law in Minnesota Statutes, chapter 626A.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 626A.01, is amended by adding a
subdivision to read:

Subd. 21. **Wireless telecommunications service provider.** "Wireless
telecommunications service provider" means a provider of commercial mobile services, as
that term is defined in United States Code, title 47, section 332(d), including all broadband
personal communications services, wireless radio services, and incumbent wide area
specialized mobile radio licensees, that offers real-time, two-way service interconnected
with the public switched telephone network and that is doing business in Minnesota.

EFFECTIVE DATE. This section is effective August 1, 2010.

Sec. 2. **[626A.075] AUTHORIZATION FOR CALL LOCATION; EMERGENCY
SITUATIONS.**

(a) Upon request of an investigative or law enforcement officer, a wireless
telecommunications service provider shall provide call location information concerning
the telecommunications device of the user to the requesting officer in order to respond
to a call for emergency services or in an emergency situation that involves the risk of
death or serious physical harm.

(b) Notwithstanding any other provision of law to the contrary, nothing in this section prohibits a wireless telecommunications service provider from establishing protocols by which the provider could voluntarily disclose call location information.

(c) No cause of action shall lie in any court against any wireless telecommunications service provider, its officers, employees, agents, or other specified persons for providing call location information while acting in good faith and in accordance with the provisions of this section. All wireless telecommunications service providers will be held harmless from any and all claims, damages, costs, expenses, including attorney fees, arising from or related to release of call location information.

(d)(1) The bureau shall obtain contact information for all wireless telecommunications service providers authorized to do business in Minnesota or submitting to the jurisdiction thereof in order to facilitate a request from an investigative or law enforcement officer for call location information in accordance with this section.

(2) The bureau shall disseminate the information obtained pursuant to clause (1) on a quarterly basis or immediately as changes occur, to all public safety answer points in the state.

EFFECTIVE DATE. This section is effective August 1, 2010.

Sec. 3. **KELSEY SMITH ACT.**

This act shall be known as the Kelsey Smith Act.